

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  INTERSTATE POWER AND LIGHT COMPANY, ARCHER-DANIELS- MIDLAND COMPANY, AND LESAFFRE YEAST CORPORATION	DOCKET NO. WRU-04-1
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**ORDER GRANTING WAIVER AND APPROVING SETTLEMENT**

(Issued January 27, 2004)

On January 5, 2004, Interstate Power and Light Company, Archer-Daniels-Midland Company (ADM), and Lesaffre Yeast Corporation (Lesaffre), collectively “Applicants,” filed with the Utilities Board (Board) a “Joint Application for Approval of Settlement, for Grant of Conditioned Waiver, and for Expedited Processing.” Applicants asked for a permanent conditioned waiver of the definition of “secondary line” found in 199 IAC 20.1(3) and approval of the settlement attached to the waiver request. No objections to the waiver or settlement were filed.

Subrule 199 IAC 20.1(3) defines a “secondary line” as an “electric power line operating at a nominal voltage of less than . . . 2,000 volts.” The waiver of the rule is necessary to facilitate construction by ADM and Lesaffre of a yeast processing facility located on property owned by ADM. The capital investment will be approximately \$50-60 million. ADM has an existing cogeneration facility on site and this

cogeneration facility will provide electricity to the onsite ADM and Lesaffre joint venture.

The Board will waive the definition of “secondary line” contained in 199 IAC 20.1(3), subject to the conditions contained in the settlement, to allow the line or lines between the cogeneration facility and the new joint venture to operate at more than 2,000 volts. While the Board does not usually grant permanent waivers because facts and circumstances leading to the waiver can subsequently change, the waiver granted here must be permanent to provide the necessary certainty to allow construction and financing to proceed. The information provided satisfies the waiver standards for a permanent waiver contained in 199 IAC 1.3.

The Board will also approve the proposed settlement. The settlement contains the explicit waiver conditions that will allow the objectives of the waiver and the settlement to be achieved. The settlement promotes economic development and the facts recited in the settlement show it to be reasonable, consistent with law, and in the public interest. 199 IAC 7.2(11).

**IT IS THEREFORE ORDERED:**

1. The permanent conditioned waiver of 199 IAC 20.13(1) requested by Applicants on January 5, 2004, is granted, explicitly subject to the conditions contained in Article VII of the settlement attached to the waiver request.

2. The settlement attached to the January 5, 2004, waiver request is approved, without condition or modification.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 27<sup>th</sup> day of January, 2004.